

RESOLUTION NO. 91-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PALMA DECLARING AN EMERGENCY STAGE 2 FOR MANDATORY WATER CONSERVATION PLAN IN ACCORDANCE WITH AN EMERGENCY WATER MANAGEMENT PROGRAM AND MANDATING ALL WATER USERS TO REDUCE WATER USAGE BY TWENTY PERCENT (20%)

WHEREAS, the Southern California area is in the fifth consecutive year of a drought; and

WHEREAS, the Metropolitan Water District has declared a water shortage in its service area, which includes the City of La Palma, and has urged its member agencies to reduce water consumption; and

WHEREAS, all member agencies and cities served by the Metropolitan Water have been requested to adopt a mandatory drought management measures; and

WHEREAS, a comprehensive Emergency Water Management Program Ordinance has been approved and adopted by the City Council which articulates different stages of water conservation and penalties for violations; and

WHEREAS, failure to meet the 20% mandatory reduction will result in levying penalties to purchase water from MWD.

NOW, THEREFORE, the City Council of the City of La Palma hereby resolves as follows:

SECTION 1. MANDATORY COMPLIANCE. It is mandatory that all water users in the City of La Palma are required to reduce water usage by twenty percent (20%) over their fiscal year 1989-90 base water consumption. No residential or commercial customers will be required to reduce his/her consumption of water to an amount less than base consumptions as contained in Section 4 of this Resolution.

SECTION 2. EFFICIENT PLUMBING FIXTURES. La Palma water users are urged to consider the installation of water efficient plumbing fixtures and the use of water conserving landscaping, when possible.

SECTION 3. BASE BILLING. The base monthly billing shall be calculated at eighty percent (80%) of the Fiscal Year 1989-90 billing use. All billing units of water used over the aforementioned base consumption will be billed at three (3) times the quantity rate in existence in the current rate structure.

One billing unit equals 748 gallons.

SECTION 4. BASE CONSUMPTION. Nothing contained in Section 1 of this resolution shall be deemed to require any residential or commercial customer to reduce his/her consumption of water provided by the City to an amount less than as follows:

A. Residential Unit with 3/4" or 1" Meter:

13 Units/Month/Meter

B. Multiple Dwelling Unit or Commercial Unit with:

1-1/2"	Water Meter	50 Units/Month/Meter
2"	Water Meter	90 Units/Month/Meter
3"	Water Meter	300 Units/Month/Meter
4"	Water Meter	400 Units/Month/Meter

If the monthly usage exceeds the aforementioned base consumption, a comparison to the previous water consumption during a similar monthly period will be made. The customer will be allowed eighty percent (80%) of the previous year's use. Any water used in excess of the greater of the following will be billed at three (3) times the quantity rate in existence under the current rate structure.

- (a) The base consumption for a 3/4", 1", 1-1/2", 2", 3" or 4" meter as applicable or;
- (b) Eighty percent (80%) of the previous years use comparison.

SECTION 5. NOTICE OF IMPROPER WATER USE. For each occurrence of improper water use, the City shall send to the customer where the improper use occurred a Notice of Improper Water Use specifying the applicable subsection or subsections of Ordinance 90-05. Where possible, a copy of said Notice shall be given to the individual who has improperly used water or by regular mail to the customer's billing address.

A. FAILURE TO COMPLY

- (1) First Violation: The City shall issue a written notice of the improper water use to the customer.
- (2) Second Violation: For a second violation during any one water shortage emergency, the City shall impose a \$25.00 penalty, payable with the next subsequent water bill.
- (3) Third and Subsequent Violations: For a third and each subsequent violation during any one water shortage emergency, the City shall in-

stall a flow restricting device of one (1) gallon per minute capacity for services up to one and one-half (1-1/2) inch size, and comparatively sized for larger services, on the service of the customer at the premises at which the violation occurred for a period of not less than forty-eight (48) hours. The City shall charge the customer the reasonable costs incurred for installing and for restoration of normal service. The charge shall be paid before normal service can be restored.

- (4) Failure to pay penalties described in subsection (2) and (3) will result in discontinuation of water service until all previous penalties are paid in full. In addition, a reactivation fee will be imposed.

SECTION 6. EXCEPTIONS. The improper use of water specified in Section 25-70(B) of the La Palma Municipal Code (Ord. No. 90-05) is not applicable to that use of water necessary for public health and safety or for essential governmental services such as police, fire, and other similar emergency services.

SECTION 7. FAILURE TO COMPLY. A flow restricting device may be installed for a period of three (3) consecutive months in the water service of any customer whose bill shows an excess rate, as established in Section 4 above. The charge for installation and removal of the flow restricting device shall be as established in Section 5.

SECTION 8. NOTICE. Except as otherwise provided in this Conservation Plan, all notices required or desired to be given under the Water Conservation Plan shall be in writing and personally served or deposited in the U.S. Postal Service, first class, postage prepaid, addressed to the billing address of the customer. Notice shall be effective on the date personal service is obtained or the date on which the notice is deposited in the mail. If the customer is absent from his residence or place of business so that personal service cannot be obtained, notice may be given by leaving a copy thereof with some responsible person at the place and mailing a copy by first class mail addressed to the customer at his billing address, or if the residence or place of business cannot be ascertained or a responsible person cannot be found there, the notice may be given by affixing a copy thereof in a conspicuous place on the property where the improper water use occurred and delivering a copy thereof to a person residing there if such person can be found and mailing a copy thereof by first class mail addressed to the customer at his or her billing address.

SECTION 9. RELIEF FROM COMPLIANCE.

(A) Administrative Hearing. A customer shall have the right to a hearing to obtain relief from compliance with the Conservation Plan by filing a written request for hearing within fifteen (15) days after receipt of a Notice of Improper Water Use or receipt of a bill whichever is later. To the extent possible, the hearing shall be held by the Director of Public Works or designee within fifteen (15) days after receipt of the request therefor. In determining whether or not relief shall be granted, the Director of Public Works shall consider all relevant factors including but not limited to:

(1) The fact that reduction in water consumption will result in unemployment;

(2) Increased number of employees in commercial or industrial business, and governmental offices;

(3) The existence of emergency health or safety hazards;

(4) The existence of family health problems;

(5) The fact that the current customer was not a customer at the water service address during the base period and the nature of the current customer's water use is substantially different from the use during the base period;

(6) Special needs of medical care facilities or schools.

The Director of Public Works or designee shall give the customer notice of his decision, including notice of the customer's right to appeal the decision to the City Council. No customer shall appeal to the City Council prior to receipt of a decision from the Director of Public Works or designee.

(B) Appeal to Council. A customer shall have the right to appeal the decision of the Director of Public Works or designee by filing a written request for appeal within fifteen (15) days after receipt of said decision to the City Council designee, which shall be the Mayor and Mayor Pro Tem of the City of La Palma or other members of Council, as appointed from time to time by the City Council. To the extent possible, the City Council designee shall hear the appeal within fifteen (15) days of receipt of the request for appeal. The decision of the City Council designee shall be final.

SECTION 10. GENERAL PROVISIONS.

(A) Reduction in Water Supplied. If any customer fails to comply with any provision of this Conservation Plan, the City may reduce the amount of water provided to that customer to the level which that customer would be using if he were complying with the provisions of this Conservation Plan. The provisions of this subsection shall be applied in lieu of, or in addition to, any of the other provisions of this Conservation Plan, in the discretion of the City and shall be applied without regard to the status or nature of the customer.

(B) Public Health and Safety Not to be Affected. Nothing contained in this Conservation Plan shall be construed to require the City to curtail the supply of water to any customer when, in the discretion of the Council, such water is required by that customer to maintain an adequate level of public health and safety.

(C) Base Period. The base period shall be the historic period designated by the Council and is hereby established as the period, July 1989 through June 1990.

(D) Consistency with City Code Chapter 25, Article X. The City Council hereby finds and declares that, as of this date and by reason of the changing conditions throughout the State of California which affect the sources of supply of water to the City of La Palma, the water use reductions, billing procedures, surcharges, administrative relief procedures and penalties set forth in this Resolution more appropriately respond to the current water shortage conditions than those set forth in Chapter 25, Article X (commencing with Section 25-67) of the City Code of the City of La Palma. Accordingly, and until further determination by the City Council, implementation and enforcement of this Resolution shall render unnecessary and shall suspend the implementation and enforcement of the substantive restriction, implementation, payment and penalty provisions of Chapter 25, Article X (commencing with Section 25-67) of the City Code of the City of La Palma.

SECTION 11. SEVERABILITY. If any section, subsection, sentence, clause and phrase in this Conservation Plan or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of the Conservation Plan or the application of such provisions to other persons or circumstances shall not be affected thereby. The City Council declares that it would have passed this Conservation Plan and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstances be held invalid.

APPROVED AND ADOPTED by the City Council of the City of La Palma at a regular meeting held on the 16th day of April, 1991.



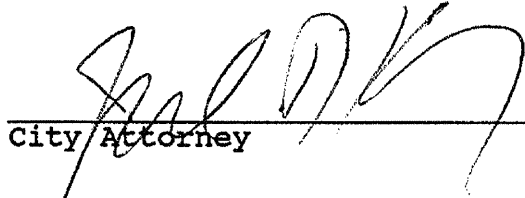
Mayor the City of La Palma

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA PALMA)

I, PAMELA GIBSON, City Clerk of the City of La Palma, DO HEREBY CERTIFY that the foregoing Resolution was adopted by the City Council of said City at a regular meeting of said City Council held on the 16th day of April, 1991, and that it was so adopted by called vote as follows:

AYES: Duke, Herman, Miner, Nelson, Polis

NOES: None

ABSENT: None



City Clerk